

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTOPHER RAD,
Petitioner

v.

CRAIG A. LOWE,
Respondent

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No. 1:21-cv-00171

(Judge Kane)

ORDER

AND NOW, on this 13th day of April 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1) is **GRANTED in part** and **DISMISSED in part**, as follows:
 - a. The § 2241 petition (Doc. No. 1) is **GRANTED** to the extent Petitioner seeks an individualized bond hearing before an immigration judge, pursuant to the standards set forth in German Santos v. Warden Pike County Correctional Facility, 965 F.3d 203 (3d Cir. 2020), to review his continued detention pursuant to 8 U.S.C. § 1226(c);
 - b. The § 2241 petition (Doc. No. 1) is **DISMISSED** for lack of jurisdiction to the extent Petitioner seeks to challenge his removal order;
2. Petitioner shall be afforded an individualized bond hearing before an immigration judge within thirty (30) days of the date of this Order;
3. At this hearing, the Government shall bear the burden of presenting clear and convincing evidence that Petitioner's continued detention is necessary to prevent him "from fleeing or harming the community." See German Santos, 965 F.3d at 214; and
4. The Clerk of Court is directed to **CLOSE** the above-captioned case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania